

## Decision Notice and Finding of No Significant Impact For the Brittle 2 Fuels Reduction Project

USDA Forest Service  
Huron-Manistee National Forests  
Huron Shores Ranger Station  
Iosco County, Michigan

### DECISION AND REASONS FOR THE DECISION

This Decision Notice (DN) documents my decision and Finding of No Significant Impact (FONSI) to implement the proposed activities described in the Brittle 2 Fuels Reduction Project Environmental Assessment (EA) on the Tawas Ranger District of the Huron-Manistee National Forests. Huron-Manistee National Forests' Land and Resource Management Plan (Forests' Plan, March 2006) provides the basis for the Brittle 2 Fuels Reduction Project. The project is designed to move the project area from the existing condition to the desired future condition set forth in the Forests' Plan.

The Brittle 2 Fuels Reduction Project is located in Iosco County, in all or portions of T22N R6E, Sections 1, 10, and 12, Grant Township; T22N R7E, Section 6, Tawas Township; T23N R7E, Sections 5, 6, and 32, Wilbur Township; T23N R6E, Sections 1, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 21, 22, Plainfield Township; T24N R5E, Sections 24, 25 and 36, Plainfield Township; T24N R6E, Sections 20, 26, 29, 30, 31, 34, 35, and 36, Oscoda Township; T24N R7E, Sections 31, and 32, Oscoda Township.

I have reviewed the analysis presented in the Brittle 2 Fuels Reduction Project EA and the supporting documentation. I am satisfied that the Interdisciplinary Team (IDT) conducted a thorough analysis of the proposed action. The IDT Team applied standards and guidelines from the Forests' Plan, and carefully considered and applied project design features for the project. I am satisfied the IDT effectively involved the public and carefully considered and responded to their comments. This document describes the reason for my decisions and my findings for not preparing an Environmental Impact Statement. This finding is in accordance with the National Environmental Policy Act (NEPA).

### Decision

Based on the EA and in accordance with direction provided in the Forests' Plan and the Final Environmental Impact Statement for the Forests' Plan (2006) **it is my decision to implement Alternative 5: (Fifty Foot Vegetation Strip)** as documented in the Brittle 2 Fuels Reduction Project EA. Alternative 5 will be referred to as the Selected Alternative from this point forward. This decision meets the purpose and need for the project, is consistent with the Forests' Plan, and is responsive to issues raised during scoping, data collection, and resource assessment.

### The following is a description of the activities to be implemented under the Selected Alternative:

- Reduce hazardous fuels in the wildland-urban interface by creating fuelbreaks through timber sales and/or hand and mechanical methods. Maintain the fuelbreaks using mechanical methods and/or prescribed fire.
  - Approximately 236 acres of pine and mixed oak/pine stands would be treated to create fuelbreaks along private property boundaries. Jack pine, small-diameter red pine, and poor form oak would be removed. Where present, larger diameter oak, hardwoods, and red and white pine may be retained to establish a semi-open condition and provide wildlife habitat. The fuelbreaks would be maintained in a semi-open condition using mechanical methods or prescribed fire on a three to seven year interval. The frequency of maintenance intervals would depend on the establishment and vigor of new growth.
  - The fuel break along the community at the corner of Monument and Alpine Road would have a 50 ft strip of vegetation left along the property boundary. The remaining fuel break around the subdivision would have an increased number of trees remaining based on the stand prescriptions (see project file).
  - Approximately 58 acres of red pine plantation would be thinned around the Rollways H-4 and H-5 Recreation Residence Groups.

- Decadent trees and hazardous fuels would be removed within the 24 acre Rollways H-4 and the five acre Rollways H-5 Recreation Residence Tracts. This consists of areas around the dwellings and roads that allow access.
- Reduce hazardous fuels (Figure 1 and 2) and improve forest health by returning prescribed fire into fire adapted ecosystems.
  - Up to 10,670 acres of National Forest lands would be prescribed burned to reduce fuel loading and promote stand structure and species composition reflective of healthy and productive forested stands. Where possible, existing roads and trails would be utilized as fire control lines. Multiple entries of prescribed fire may be necessary. Return intervals are based on vegetative response, duff and litter depth, and funding (usually a three to ten year return interval). Prescribed fire would also have the added benefit of enhancement of habitat and an increase in the variety of wildlife, with an emphasis given to managing deer, wild turkey, and improving suitability of adjacent habitat for the federally endangered Kirtland warbler (*Dendroica kirtlandii*).
- Work in cooperation with Consumers Power in an “all lands approach” to manage the resources for the reduction of hazardous fuels, and restore ecosystem health. This can be pursued through the use of the Wyden Amendment (Public Law 109-54, Section 434) authorizing the Forest Service to enter into cooperative agreements to benefit resources within watersheds of National Forest Lands. This is in reference to Consumers Power property that is found in Block 27 (see project map).

Detailed information on the proposal is contained in Chapter 2.2 of the EA; Alternative 5.

**Table 1; Acreage for the Proposed Treatments (All acreages are approximate)**

Proposed Treatment	Acres
Fuelbreaks Created Through Timber Removal Activities	323
Landscape Rx Burned for hazardous fuels including the fuelbreak acres (323)	10,670

#### **Project design criteria:**

##### ***Recreation Protection Measures***

No hauling or skidding would be permitted on Forest Recreation Trails within the project areas (the Michigan Shore to Shore Horse and Hiking Trail, the Iosco County Snowmobile Trail, or the Huron ORV Trail) to protect trail integrity and allow year-round use of these trail systems. Skidding or hauling forest products across the snowmobile/ATV trail and the Shore-to-Shore Trail would be permitted at designated locations at least 660 feet apart, and would cross the tread of the trail at a 90 degree angle.

Activity signs would be placed along Forest Recreation Trails to make people entering the project area aware of harvesting operations and/or prescribed burning operations to mitigate the effects of conflicts between trail users and project activities.

Temporary re-routes would be designated for affected portions of the Shore-to-Shore Trail, the Snowmobile Trail and the Huron ATV Trail during prescribed burning activities. District recreation staff will be notified the day prior to burning to ensure consideration is given to scheduled events on trails. Affected portions of trails would be checked for and cleared of users prior to ignition of prescribed burning.

##### ***Wildlife Protection Measures***

###### ***Design Criteria for eastern massasauga***

Prescribed burning or mechanical treatments within the Au Sable Massasauga Management Unit (Blocks 6 and 7) should be limited to periods when the eastern massasauga is not active therefore, activities would be permitted between October 1 and May 15. However, burning may continue for several weeks after May 15 if unusually cold weather persists (<59F). Likewise, implementation of burns should be conservative during unusually warm years.

### ***Design Criteria for northern goshawk***

#### **Nest Area**

- a. There would be no activity within the 30 acre nest area or the two alternate nest areas, and no prescribed fire (Compartment 385, Stand 1).

#### **Post-Fledging Area (PFA)**

- b. Prescribed fire is permitted within the 400 acre post-fledging area, however human intrusions including actions such as building line and fuel reduction by hand removal of ladder fuels and mechanical equipment would only be permitted outside of the nesting season/brood-rearing period (Permitted from September 1 to February 27 in Compartment 385).

### ***Design Criteria for red-headed woodpecker***

Existing dead trees would be retained in fuel break creation areas to provide dens, and snags to meet Forests' Plan requirements, except where they pose a safety hazard. If dead trees are cut they should be left on site to provide large downed woody debris. Skid trail locations should be designed to avoid removing large diameter (16" DBH and greater) standing dead trees, especially oaks.

Provide snags using prescribed fire first or mechanical methods if necessary, to ensure 9 snags per acre at 9" dbh or greater (largest diameter practical should be used) to improve habitat for red-headed woodpecker and associated species.

Oaks and other hardwoods should be chosen for leave trees (2 per 5 acres) within pine barrens and thinning units in order to increase the diameter and overall percentage of this species in the landscape.

### ***Design Criteria for Michigan bog grasshoppers***

Prescribed fire would be excluded from Compartment 391 Stand 12 and the surrounding 60 feet, to protect Michigan bog grasshoppers.

### ***Rare Plant Protection Measures***

To prevent introduction of non-native invasive species from outside the project area, equipment cleaning measures would be implemented. In addition, skid trails and fire plow lines would be planned in a manner that would minimize the spread of invasive plants and seed contaminated soil (typically 5-10 m, or 16-33 feet of the road).

In burn Block 11(compartment 385), if the Allegheny Plumb cannot be excluded from fire then burn Block 11 would be burned no more than once within a seven year period to allow time for the plants to recover.

When feasible, mowing/brushing should occur between snowmelt and July 1, after NNIS fruiting structures have collapsed and before the advent of new seed.

### ***Vegetative Protection Measures***

In timber stands that are designated for timber production (LSC 500), the overall mortality should not drop the residual stands below an acceptable stocking level (B level stocking) for commercial trees. If stocking falls below B level, subsequent burning would be postponed until the stand recovers to B-level.

Conduct prescribed burning in red pine stands during the period of bud dormancy, generally after mid July and prior to early May, when feasible.

When timber harvest is used to create fuel breaks, remove or treat slash from harvest operations to reduce fuel loading and facilitate prescribed burning.

Within burn Block 26 in the northwest corner (near the intersection of Binder Road and River Road) is a stand of young white pine that should be excluded from fire intensities that could cause high mortality (Compartment 364 Stand 2).

It may be necessary in some areas to remove ladder fuels within or adjacent to prescribed fire units to facilitate burning.

### **Other Protection Measures**

Management activities would be excluded from identified historic cultural sites through sale design or designation of a reserve area that includes a buffer area adequate in size to protect the known site or mitigated to avoid or lessen impacts (refer to Cultural Resources Survey Records in the project file).

Cultural resource sites, federally listed Threatened and Endangered Species, or Forest Service Sensitive Species identified at any stage of the implementation process within the project area would be protected by following protection measures recommended by the appropriate resource specialists. Power lines, landline witness trees, existing signs, bat boxes and other improvements would be protected from damage or destruction during prescribed activities.

Prior to burning any of the project area that includes the Michigan Highway M-65 right-of-way the Michigan Department of Transportation (MDOT) should be contacted. The point of contact is the MDOT permit coordinator in Alpena, Mi. (989) 356-2231 ext. 219 and the form MDOT-2020 should be submitted with a copy of the burn plan.

The northwest boundary of Block 7 has a steep slope rising up from Highway M-65. This area should be excluded from fire to prevent erosion.

Temporary re-routes would be designated for affected portions of the Shore-to-Shore Trail, the Snowmobile Trail and the Huron ATV Trail during prescribed burning activities. District recreation staff will be notified the day prior to burning to ensure consideration is given to scheduled events on trails. Affected portions of trails would be checked for and cleared of users prior to ignition of prescribed burning.

### **Reasons for the Decision**

My decision to implement the Selected Alternative is based on its effectiveness in meeting the purpose and need identified in the EA (EA, Chapter 1.7), and represents site-specific application of the goals of Management Direction listed in the EA (EA, Chapter 1.6). In evaluating the effects of the proposed activities, as described in Chapter 3 of the EA, it is my judgment that the Selected Alternative achieves the stated purpose and need, and brings the Brittle 2 Fuels Reduction project area closer to the desired condition.

The purpose of the proposal is to address site-specific needs and opportunities to move the project areas from the existing condition to the desired future condition within the foreseeable future. This project will maintain the condition established by previous timber removal projects in the area that typically did not deal with fuels treatment. This is an opportunity to build on these projects to condition the landscape to better survive wildfire, reduce the risk of large crown fires, and create a safer condition for firefighters and the public. The project is also working towards the enhancement of habitat and an increase in the variety of wildlife, with an emphasis given to managing deer, grouse, and adjacent habitat for the federally listed endangered Kirtland Warbler (*Dendroica kirtlandii*). Additionally, the proposed project would meet Forests' Plan and National Fire Plan objectives by restoring fire-adapted ecosystems, improving habitat diversity to meet species viability needs, and preventing or controlling the development of insect and disease problems.

In making my decision, I took into account the interests and values of the public, and carefully considered the appropriate type and level of treatment needed to achieve Forests' Plan goals and project objectives. The Selected Alternative provides adequate benefits to the public within the framework of existing laws, regulations, policies, public needs, and capabilities of the land, while meeting the stated purpose and need for this project. Based on all factors, including commodity and non-commodity considerations, it is my judgment that the selected alternative best provides for the greatest net benefit to the public. No single factor determined the decision.

The management actions in the Selected Alternative are routine and have been analyzed by the IDT. Based on analysis of the current project and other similar previous projects, it is my decision to implement Alternative 5 to achieve the stated objectives of the project.

This project is planned under National Environmental Policy Act procedures at 36 CFR Part 220.7 (July 2008). I have considered the best available science in making this decision. I recognize that less than complete knowledge exists about many relationships and conditions of wildlife, forests, fire, jobs, and communities. The ecology, inventory, and management of a large forest area are a complex and constantly developing science. Perfect knowledge and absolute guarantees are not attainable in this dynamic environment. My decision is based on a review of the record

that shows consideration of relevant scientific information, including responsible opposing views, and as appropriate, the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. My decision implements the Huron-Manistee National Forests Plan. As required by NFMA Section 1604(i), I find this project to be consistent with the Plan.

## **Other Alternatives Considered**

Three alternatives were considered in detail, Alternative 1; (The No Action Alternative), Alternative 4 (The Revised Proposed Action), and Alternative 5 (Fifty Foot Vegetation Strip). The No Action Alternative contrasts the impacts of the proposed action with the current condition and expected future condition if the proposed action were not implemented (36 CFR 220.7(b)(2)(ii)). Alternative 4, Revised Proposed Action, follows management direction established in the Forests' Plan and the Comprehensive Strategy and proposes to reduce hazardous fuels by creating fuel breaks and returning prescribed fire to a fire adapted ecosystem. Alternative 5 (Fifty Foot Vegetation Strip) is the same as Alternative 4 with the exception that it includes a 50-foot vegetation strip left adjacent to private property boundary along Alpine Road. Alternative 5 addresses the issue of visuals brought forward by private landowners adjacent to the fuel break on Alpine Road.

## **Public Involvement**

The Forest Service uses public involvement and an interdisciplinary team (ID Team) of resource specialists to determine issues of concern and develop possible solutions. Scoping is a process for gathering comments about a site-specific proposed federal action to determine the scope of issues to be addressed and for identifying unresolved issues related to the proposed action (40 CFR 1501.7). Opportunities for comments enable concerned citizens, resource specialists from other agencies, and local governments to express their ideas and views.

Comments on the proposed action were solicited from Forest Service employees, members of the public, adjacent property owners, and public and private agencies and organizations through a listing in the Huron-Manistee National Forests NEPA Quarterly Schedule of Proposed Actions beginning in July 2009, a posting of the proposal on the Huron-Manistee National Forests website, and a direct mailing in August 2009. Twelve comments were received.

A draft Environmental Assessment (EA) of Brittle 2 Fuels Reduction EA was available for public review on February 19, 2010. Substantive issues brought forward in formulating the alternatives were:

1. Several adjacent landowners concerns for privacy and visual screening along the NF boundary and the ATV trail. A 300 foot buffer was requested by one landowner and maps were included on the design.
2. The quality of deer hunting adjacent to private property.
3. Uncertainty surrounding the designation of pine barrens habitat and changing the Land Suitability Class (LSC) of stands.

The IDT decided that a revised EA needed to be written. Alternative 2 and 3 were removed from consideration and Alternative 5 (Fifty Foot Vegetation Strip) was created as a compromise. In Alternative 5, a 50-foot vegetation strip will not be thinned along the property boundary of the community located near the intersection of Monument Road and Alpine Road.

## **Clarification and editorial modifications to the Environmental Assessment**

A second 30-day comment period (official comment period) commenced on July 26, 2010. Two comments were received. The adjacent landowners comments regarding privacy and visual screening were re-submitted. No new issues were identified.

On July 26, 2010, the Revised Brittle 2 Fuels Reduction Project EA was sent out for official 30-day comment and a Legal Notice of Proposed Actions was advertised in the Oscoda Press. The 30-day comment period ended on August 25, 2010.

## **FINDING OF NO SIGNIFICANT IMPACT (FONSI)**

I have reviewed the significance criteria of both context and intensity as defined in the National Environmental Policy Act (NEPA) implementing regulations 40 CFR 1508.27, public comments on the EA, and the environmental consequences of the Selected Alternative. Based on this information and my experiences with similar practices and projects, I have determined that this action will not have a significant effect on the quality of the human

environment. My conclusion is based on a review of the record that shows a thorough review of relevant scientific information, a consideration of responsible opposing views, and the acknowledgment of incomplete or unavailable information, scientific uncertainty, and risk. Therefore, an environmental impact statement will not be prepared. I base my findings on the following:

## **Context of Effects**

This project, and the environmental assessment on which it is based, applies only to the portion of the Tawas Ranger District in which it is located. The context for this Decision Notice is the Brittle 2 Fuels Reduction Project Area only. Neither the effects analysis nor this Decision Notice apply to decisions that may be made elsewhere, either regionally or nationally. After a thorough review of the effects analysis contained in the EA, I can find no basis for concluding that this project has significance (both short-term and long-term) beyond the bounds of the Huron-Manistee National Forests. The reasons for my conclusions are more specifically described in the paragraphs that follow.

## **Intensity of Effects**

This refers to the severity of impact, as defined by the Council on Environmental Quality (CEQ) regulations at 40 CFR 1508.27. The following 10 factors are considered in evaluating intensity:

**1. Both beneficial and adverse impacts have been considered in the analysis. The beneficial impacts will outweigh expected short term, adverse impacts.**

The Selected Alternative achieves the Purpose and Need objectives. Design criteria will be implemented to minimize or eliminate potential effects of proposed activities (EA, Chapters 1 and 2). The EA demonstrates that the effects of this alternative are relatively minor and impacts generated are not directly, indirectly or cumulatively significant (EA, Chapter 3).

**2. Public health and safety are minimally affected by the proposed actions.**

The EA (Chapter 2.2) lists project design criteria for the proposed activities. Design criteria are intended to minimize or eliminate potential impacts from proposed activities. Chapter 3 of the EA discusses the direct, indirect and cumulative effects of the proposed actions on the human environment. The EA demonstrates that the effects of this alternative are relatively minor and impacts generated are not directly, indirectly or cumulatively significant.

**3. The proposed action is not expected to impact any unique geographic area.**

There are no unique geographic areas within or adjacent to the project area. Project design criteria mitigate potential conflicts from project activities (EA, Chapter 2.2).

**4. The effects on the quality of the human environment are not likely to be highly controversial.**

The project treatments are standard management activities and are not considered technologically controversial. There has been public interest in this project. Based on the level of response to the project by the public and past experiences with similar projects, I have determined that this project is not highly controversial. This does not mean that implementation of the project will be acceptable to all people, because some people will neither agree nor be pleased with the decision. However, the effects of the project are not likely to be a source of substantial controversial disagreement. I have determined that the effects on the quality of the human environment are not likely to be highly controversial (EA Chapter 1.7 and Chapter 3).

**5. There are no known effects that are highly uncertain or involve unique or unknown risks.**

The activities in this project are similar to many past actions on the Huron-Manistee National Forests. Previously implemented projects, and the effects analysis show the effects are not uncertain, and do not involve unique or unknown risk. (EA Chapter 3).

**6. The action is not likely to establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration.**

The decision made is consistent with Forests' Plan standards and guidelines and proposed and probable practices analyzed in the Final Environmental Impact Statement. This decision, applied to specific activities

within the project areas does not commit me to future actions outside of this decision. This decision will not establish a precedent for future actions, nor will it limit future options for management. (EA Chapters 1 and 3).

7. **The action does not cumulatively reach a level of significance, even when combined with past, present and reasonably foreseeable future actions on public and private lands in the area.**

The EA (Chapter 3) describes the anticipated direct, indirect, and cumulative effects on vegetation resources, wildlife resources, federally threatened, endangered, and proposed species, Regional Forester sensitive species, soil and water resources, visual resources, transportation resources, recreation resources, cultural resources, civil rights and environmental justice, and economics and community well being. There are no undisclosed or related actions that would produce cumulative significant effects on the physical or human environment.

8. **The action will have no significant adverse effect on districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places. The action will also not cause loss or destruction of significant scientific, cultural, or historic resources.**

A cultural resources report was completed for the Project. Field surveys were conducted and some historic or prehistoric sites were identified within the project area. (EA Chapter 3 and Project Record). Design criteria have been developed to help protect the known sites from potential adverse impacts. Management activities would be excluded from identified historic cultural sites through sale design or designation of a reserve area that includes a buffer area adequate in size to protect the known site or mitigated to avoid or lessen impacts (refer to Cultural Resources Survey Records in the project file).

9. **The action will not adversely affect any endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species act of 1973.**

A Biological Evaluation (BE) was prepared for the Brittle 2 Fuels Reduction Project (see Project Record). The BE evaluated and documented the effects of this project on federally listed or proposed species, designated critical habitat, and Regional Forester's sensitive species that may inhabit the project area.

10. **The action will not violate Federal, State, and local laws or requirements for the protection of the environment.**

Applicable laws and regulations were incorporated into the Forest Plan Standards and Guidelines (Forest Plan pages I-4 to I-6). The Selected Alternative complies with the Forest Plan (EA Chapter 1). Treatment activities comply with State of Michigan Water Quality Management Practices on Forest Lands (EA Chapter 3). All necessary federal, state, and local permits will be obtained prior to project implementation.

## **Findings Required by Other Laws and Regulations**

This decision is consistent with the intent of the Forests' Plan's long term goals and objectives listed on pages II-2 through II-7. The project was designed in conformance with Land and Resource Management Plan standards and incorporates appropriate Land and Resource Management Plan guidelines (EA Chapter 1).

Other Applicable regulatory requirements and laws are listed below.

- **National Forest Management Act**

The Brittle 2 Fuels Reduction Project implements the 2006 Huron-Manistee National Forests' Land and Resource management Plan. As required by NFMA Section 1604(i), this project is consistent with the Forests' Plan.

- **Endangered Species Act**

A Biological Evaluation (BE) was prepared for the Brittle 2 Fuels Reduction Project (see Project Record). The BE evaluated and documented by alternative the effects of this project on federally listed or proposed species, designated critical habitat, and Regional Forester's Sensitive Species that may inhabit the Project Area.

- **Clean Water Act**

This Act is designed to restore and maintain the integrity of water resources. Project activities comply with Forests' Plan Standards and Guidelines for water resources and State of Michigan Best Management Practices (EA Chapter 3). Any necessary federal, state, and local permits would be obtained prior to implementation.

- **National Historic Preservation Act, Archaeological Resources Protection Act and Native American Graves Protection and Repatriation Act**

Section 106 of the National Historic Preservation Act requires federal agencies to take into account the effect of a project on any district site, building, structure, or object that is included in, or eligible for inclusion in the National Register. The Archeological Resources Protection Act covers the discovery and protection of historic properties that are excavated or discovered on federal lands.

Site specific surveys identified some historic or prehistoric sites within the project area. Design criteria have been developed to help protect the known sites from potential adverse impacts. Management activities would be excluded from identified historic cultural sites through sale design or designation of a reserve area that includes a buffer area adequate in size to protect the known site or mitigated to avoid or lessen impacts (refer to Cultural Resources Survey Records in the project file). Cultural resource sites discovered during project implementation would be evaluated and protected (EA Chapter 2).

- **National Environmental Policy Act**

This Act requires public involvement and consideration of environmental effects. The entirety of documentation for this decision supports compliance with this Act.

## **Administrative Review or Appeal Opportunities**

This decision is subject to appeal pursuant to 36 CFR 215 by those who supplied comments or otherwise expressed interest in this proposal before the close of the 30-day comment period. The appeal must be filed in writing with the Responsible Official and at a minimum, must include the following:

1. State whether the document is an appeal filed pursuant to 36 CFR 215 or under 36 CFR 251, subpart C;
2. List the name and address of the appellant and, if possible, a telephone number. When multiple names are listed, identify the lead appellant. Signature or other verification of authorship must be provided upon request (a scanned signature for electronic mail may be filed with the appeal);
3. Identify the decision document by title and subject, date of the decision, and name and title of the Responsible Official;
4. Identify the specific change(s) in the decision that the appellant seeks and rationale for those changes or portion of the decision to which the appellant objects and an explanation for the disagreement;
5. State how the Responsible Official's decision fails to consider comments previously provided, either before or during the comment period specified in 215.6 and, if applicable, how the appellant believes the decision violates law, regulation, or policy.

A written notice of appeal must be submitted within 45 calendar days after the Legal Notice is published in the Oscoda Press; however, when the 45-day filing period ends on a Saturday, Sunday, or Federal holiday, then filing time is extended to the end of the next Federal working day. The date of the publication of the Legal Notice is the only means for calculating the date by which appeals must be submitted. The Notice of Appeal must be sent to: Attn: Appeal Deciding Officer, USDA, Forest Service, Gaslight Building, Suite 700, 626 East Wisconsin Avenue, Milwaukee, WI 53202. The Notice of Appeal may also be faxed to: 414-944-3963, Attn: Appeals Deciding Officer, USDA, Forest Service, Eastern Regional Office. Office hours for those submitting hand-delivered appeals are: 7:30 to 4:00 pm CT Monday through Friday, except on Federal holidays.



Those wishing to submit appeals by email may do so to:

appeals-eastern-regional-office@fs.fed.us. Acceptable formats for electronic comments are text or html email, Adobe portable document format, and formats viewable in Microsoft word applications. Appeals must meet the content requirements of 36 CFR 215.14 and will only be accepted from those who have standing to appeal as outlined at 36 CFR 215.13.

It is the responsibility of appellants to ensure that their appeal is received in a timely manner. The 45-day time period is computed using calendar days, including Saturdays, Sundays, and Federal holidays. When the time period expires on a Saturday, Sunday, or Federal holiday, the time is extended to the end of the next federal working day. The day after the publication of the legal notice of the decision in the Oscoda Press is the first day of the appeal-filing period. The publication of the legal notice of the decision in the newspaper of record is the exclusive means for calculating the time to file and appeal. Appellants should not rely on dates or time frame information provided from any other source.

When there is a question about timely filing of an appeal, timeliness shall be determined by:

1. The date of the postmark, e-mail, fax or other means of filing an appeal and any attachments; or
2. The time and date imprint at the correct Appeal Deciding Officer's office on a hand delivered appeal and any attachments;
3. When an appeal is electronically mailed, the appellant should normally receive an automated electronic acknowledgement form the agency as confirmation of receipt. If the appellant does not receive an automated acknowledgment of receipt of the appeal, it is the appellant's responsibility to ensure timely receipt by other means.

## **PROJECT IMPLEMENTATION**

When no appeal is filed within the 45-day time period, implementation of the decision may begin on, but not before the fifth business day following the close of the appeal-filing period (36 CFR 215.15). Except for emergency situations, when an appeal is filed, implementation may occur on, but not before the 15th business day following the date of appeal disposition (35 CFR 215.2). All activities authorized by this Decision Notice will be monitored to ensure they are implemented as planned and described in the EA.

## Contact

For additional information about specific activities authorized with this decision, or to request a copy of the Environmental Assessment, contact Brian Stearns, Fire Equipment Operator, Huron Shores Ranger Station, 5761 N. Skeel Ave., Oscoda, MI 48750; Telephone (989) 739-0728 ext. 3111; or email: bstearns at fs.fed.us.

Responsible Official

/s/ Susan M. Kocis

09/08/2010

SUSAN M. KOCIS  
District Ranger  
Huron Shores Ranger Station

Date

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